this experience is particularly important in light of HSR's special time constraints and the agencies' single opportunity to seek documents prior to the merger.

The substitute amendment eliminates these three problematic procedural limitations on the second request investigation process contained in the original bill. Instead, the Hatch-Leahy-DeWine-Kohl substitute amendment directs the agencies to reform the merger review process to eliminate unnecessary delay, costly duplication and undue delay. In addition, the agencies are directed to designate senior officials within the agencies to review the second requests to determine whether the requests are burdensome or duplicative and whether the request has been substantially complied with by the merging companies.

These changes are consistent with reforms that the FTC and Antitrust Division already have underway. Indeed, the FTC on April 5, 2000, and the Antitrust Division the next day, announced their adoption of new procedures and other initiatives to improve the premerger ''second request'' investigation process to make the process more efficient for both businesses and the agencies. I commend both agencies for their efforts in this regard and look forward to working with them to ensure that implementation of their regulations proceeds smoothly.

The Hatch-Leahy-DeWine-Kohl substitute amendment also imposes a reporting requirement on the FTC to provide the Congress with information on the number of HSR notices filed and on the reviews conducted by the antitrust agencies.

The antitrust agencies did not support the fee structure in the Committee reported bill since, in their view, the level of fees authorized in the substitute amendment would not provide them with the ability to collect sufficient fees to meet their budget request for FY 2001. Although these agencies are funded by direct appropriations and not by their fees, the reality is that the appropriations to these agencies usually corresponds to the level of the fees collected. Nevertheless, the Committee reported bill authorized the collection of sufficient fees to be revenue neutral and at a level that would enable the agencies, according to the CBO, to collect fees at a level amounting to an increase of ten percent over the agencies' last year's budget.

The Hatch-Leahy-DeWine-Kohl substitute amendment eliminates reference to the revised fee structure. I intend to work with my colleagues and the antitrust agencies, as I have in the past, to ensure that they receive all the funding necessary to support their mission and carry out their important work through the appropriations process.

THE SAVAGE RAPIDS DAM ACT OF 2000

Mr. WYDEN. Mr. President, I am pleased to be the original cosponsor of the Savage Rapids Dam Act of 2000, introduced by my friend and colleague from Oregon, Senator GORDON SMITH.

This legislation is another good example of the Oregon way: bringing together varied interests to get win-win results for all stakeholders. Born out of controversy concerning the detrimental effects of the Savage Rapids Dam on fish passage and survival, this legislation is now supported by the Grants Pass Irrigation District, Waterwatch, Oregon's Governor Kitzhaber, Trout Unlimited, and various Oregon river guide and sport fishing concerns.

The winners under this legislation are Oregon's environmental and agricultural interests. The legislation begins the important process of restoring salmon habitat on the Rogue River, while retaining access to necessary irrigation water from the Rogue River for the Grants Pass Irrigation District. The legislation authorizes the acquisition by the Secretary of Interior of the Savage Rapids Dam for the purpose of removing the Dam to promote the recovery of coastal salmon. But prior to that acquisition, the legislation directs the Secretary of Interior, through the Bureau of Reclamation, to design and install modern electric irrigation pumps for the Grants Pass Irrigation District so they may continue to access Rogue River water for crop irrigation, as they have done since 1921.

This legislation is good for irrigators: by maintaining water accessibility, it will help sustain local agricultural businesses. It is good for fish because it takes important steps toward habitat restoration by authorizing Dam removal as well as the monitoring, mitigation, and restoration activities necessary to restore the fish population in on the Rogue River.

I look forward to continuing to improve the legislation with my colleagues in the Senate and the stakeholders at home. As I work over the recess and on into the next Congress on this issue, I know, eventually, we will have another win for the Oregon way.

RESOLUTION FOR SUBPOENA TO SECRETARY RICHARDSON

Mr. LEAHY. Mr. President, during the last presidential debate, Governor Bush told the American people, as he has frequently during the campaign, that if he and Republicans are in control, there will be a more even-handed, cordial and respectful atmosphere in Washington and less partisan politics. I know that Governor Bush has tried to cast himself as a Washington outsider, so maybe he has not been paying attention to how the Republican majority here in Washington has been doing things these past few years. A resolution on the agenda for the final two meetings of the Judiciary Committee in this Congress might help bring Governor Bush up to speed.

That resolution proposed by the Republican leadership of the Judiciary Subcommittee on Administrative Oversight and the Courts sought to authorize issuance of a subpoena compelling Department of Energy Secretary Bill Richardson to testify before the Subcommittee about the investigation and prosecution of Wen Ho Lee and provide thirteen different categories of documents. Under the proposed resolution, if by November 8, 2000, Secretary Richardson did not agree to testify and provide the demanded documents, the subpoena would be authorized. This resolution was ultimately not brought to a vote due to the lack of the requisite quorum, sparing the Judiciary Committee from making an unnecessary and embarrassing demand for which the only enforcement mechanism is a contempt trial in the Senate.

It might appear from the targets of this subpoena resolution, namely, Secretary Richardson and the Department of Energy, that the Judiciary Committee and the Subcommittee on Administrative Oversight and the Courts are charged with oversight of the Department of Energy (DOE). In fact, the Republicans have proposed this resolution as part of the Subcommittee's oversight of the Justice Department. While the Department of Energy may have information helpful to an understanding of the Justice Department's handling of the Lee case, the manner in which the Republican majority has chosen to proceed both with regard to Secretary Richardson and other matters before the Subcommittee have been marked by an unprecedented political intervention in pending criminal matters and second-guessing of the handling of certain cases by federal agencies.

For example, the majority on the Senate Judiciary Committee has broken from tradition and called line assistants to testify before the Subcommittee, questioned federal judges about pending cases over which they are presiding, attempted to exact assurances that particular cases will be handled particular ways, and made public internal and confidential recommendations by senior prosecutors to the Attorney General on how to proceed in ongoing investigations. The Subcommittee's earlier intervention in the Waco matter prompted a rebuke from Special Counsel Jack Danforth, who wrote to the Senate Judiciary Committee twice in September, 1999, requesting that the Committee ''conduct its inquiries in a way that does not undermine the work of the Special Counsel.'' I should note that the Subcommittee on Administrative Oversight and the Courts persisted in seeking documents from the Department of Justice on the Waco matter, and that 250 boxes of Waco documents produced by the Department of Justice sit largely unopened in Judiciary Committee offices.

Let me help bring Governor Bush up to speed with the most recent example of how the majority is conducting itself. Sponsors of this subpoena resolution made it sound as if a subpoena were necessary because Secretary Richardson had been dodging a discussion of the Lee case since March 2000. Indeed, a sponsor of the subpoena resolution stated at a Judiciary Committee meeting on October 5, 2000, that ''[t]he efforts to secure Secretary Richardson's attendance go back to March of this year when we requested his appearance and he declined, with comments about his unavailability on a specific date.''

Yet, as some Republicans have even acknowledged, from December 1999 until just six weeks ago when Dr. Lee pled guilty, the Committee was honoring FBI Director Freeh's urgent request that the Committee suspend review of Dr. Lee's case during the pendency of the criminal prosecution so as not to compromise the case.

When former Senator Danforth testified to Congress about his independent investigation of the tragic raid on the Branch Davidian compound in Waco, Texas, he commented that, ''We have totally overblown our willingness to just trash people.'' Senator Danforth said about those who make reckless claims of government misconduct and who grandstand on matters of public importance: ''The wrong information was presented to the American people and it caused a real shaking of confidence of people in their government . . . When people make dark charges—I mean really, really serious charges—the people who make the charges should bear some kind of burden of proof before we all buy into them.'' His words have not been sufficiently heeded by the majority in this Congress, as this unwarranted and scurrilous subpoena resolution directed at Secretary Richardson makes clear.

Governor Bush may also not be aware of the following: Despite Director Freeh's request that the Congress suspend the Lee hearings during pendency of the case, and the Judiciary Committee's honoring of that request, an interim report on the Lee matter was issued by a Republican Member in March 2000. He did so over the written objections of a Member of his own party, who expressed concern about the haste of issuing the report despite an incomplete investigation and the lack of a consensus in the Judiciary Committee about key matters.

The Committee's suspension of its inquiry into this matter was lifted only six weeks ago, September 13, 2000, when Dr. Lee pled guilty and was sentenced. The March 2000 hearing to which Secretary Richardson was invited, but for which he had a conflict, was not about the facts of Dr. Lee's case, but legislation on which the Judiciary Committee was then working.

It might help Governor Bush size up the source of partisan bickering in Washington if he were aware of how the Senate Judiciary Committee was rushing to issue a subpoena to a cabinet secretary, even though Members of his own party acknowledge that the complete story of the Lee matter will not and cannot come out for some time. I concur with Senator GRASSLEY's comments on October 3, 2000, at a hearing conducted by the Subcommittee on Administrative Oversight and the Courts on the Lee matter: ''For now, Dr. Lee's side of the story is on hold. That is because his attorneys have asked that his side be told only after he is debriefed by the government. We also asked to interview Judge Parker about his views of the case but Judge Parker declined our invitations, so the public is not going to get the full picture, which may not come into view for some time yet.''

Nonetheless, for Secretary Richardson, a high-ranking member of this Administration, the Judiciary Committee was asked to authorize a subpoena and get him before Congress immediately in an apparent effort to make it seem as though he is dodging congressional oversight, even though by Senator GRASSLEY's candid admission that Congress will not have the full picture of Dr. Lee's case ''for some time.''

In fact, the investigation of Dr. Lee remains open with intense debriefings ongoing. The agencies involved are rightfully sensitive that the debriefings of Dr. Lee are not complete and concerned that public discussion of the case not jeopardize the debriefings or future steps in the case.

Republicans have not shown similar interest in oversight of other open criminal matters about which the American people might truly want all the facts immediately and certainly before Election Day. For example, no effort by the majority has been made to get to the bottom of ''Debategate,'' the mailing of Bush debate preparation materials to the Gore campaign. That incident might be a third-rate mail fraud, but it might also be serious campaign misconduct of the type we saw during the Watergate scandal. Some have speculated that it was a dirty trick by the Bush campaign to set up the Vice President. I have heard nothing from the Republicans about the matter. I have heard no outrage that Governor Bush and his campaign aides are not being put under oath or dragged before grand juries to get to the bottom of the scandal. In contrast to the majority's preference to investigate rather than legislate, their silence on the Debategate case is deafening. On that investigation, the Republicans are happy to allow the ongoing criminal investigation to take its course. But not here, where the important debriefings of Dr. Lee are sensitive and ongoing.

The fact is that in the six short weeks since Dr. Lee pled guilty, the Department of Energy has been extremely cooperative, just as the Department of Energy was cooperative with other committees' previous reviews of the Lee matter.

At the first hearing on the matter after Dr. Lee pled guilty, the Judiciary Committee's joint hearing with the Senate Committee on Intelligence on September 26th, Deputy Secretary T.J. Glauthier of the Department of Energy appeared to testify in place of Secretary Richardson because the Secretary was testifying before another committee. Secretary Richardson agreed to testify at that afternoon's closed session when he would be available, but no such afternoon session was conducted. At the second hearing on September 27th, DOE Security Chief Edward Curran appeared to testify.

At the third hearing on October 3rd, DOE computer specialist Ronald Wilkins appeared to testify. In addition, the Subcommittee on Administrative Oversight and the Courts heard from Los Alamos officials Dr. Stephen Younger and former officials Robert Vrooman and Notra Trulock. In sum, Department of Energy has provided witnesses before a total of 11 House and Senate committees and has provided testimony 37 times in hearings and briefings on the Lee case and related espionage and security matters in the past two years.

Moreover, the thirteen categories of documents called for in the subpoena resolution— to the extent not already produced—were requested only a few days before the subpoena was sought. A chronology of the relevant events shows that the Department of Energy has made and is making every effort to produce documents.

On November 17, 1999, the Republicans on the Judiciary Committee approved a resolution to issue subpoenas to five cabinet secretaries, including Secretary Richardson, containing a general request for all documents related to Wen Ho Lee and three other matters. Because the Judiciary Committee a few short weeks later, in December 1999 honored Director Freeh's request that the Committee suspend inquiry of the Lee matter, no subpoena was ever issued and forwarded, and it is unclear whether that document request was ever communicated to the Department of Energy.

On September 13, 2000, Dr. Lee pled guilty and was sentenced.

On September 28, 2000, Senator SPECTER wrote to DOE requesting that five pages of a DOE Inspector General report be declassified, but making no other request for documents. My understanding is that the request was honored.

On September 29, 2000, Senator SPECTER wrote a letter directly to Secretary Richardson enclosing follow-up written questions to DOE's Security Chief Edward Curran, who testified before the subcommittee on September 27th. Neither the letter to Secretary Richardson nor the questions to Mr. Curran contained any request for documents.

On October 3, 2000, Senator SPECTER wrote to both Secretary Richardson and the Attorney General requesting

documents relating to Dr. Lee's claim of racial profiling that the prosecution would have been required to submit to Judge Parker for in camera review had Dr. Lee not pled guilty. DOE has produced materials in response to that request.

On October 5, 2000, Secretary Richardson met with Senator SPECTER and discussed the case. My understanding is that Senator SPECTER's staff thereafter orally requested five documents or files from DOE Chief Larry Sanchez.

On October 12, 2000, Senator SPECTER asked the Judiciary Committee to approve a resolution authorizing a subpoena for Secretary Richardson's testimony. That resolution contained no request for documents.

Finally, on the evening of October 16, 2000, Senator SPECTER wrote a letter to Secretary Richardson listing the thirteen categories of documents sought by the subpoena resolution.

Despite that record of the DOE's good faith, on October 19, 2000, less than two weeks since Senator SPECTER's office made an oral request of Mr. Sanchez for five documents or files and just three days since Senator SPECTER submitted his list of thirteen categories of documents, the Republicans sought a resolution seeking issuance of a subpoena. The Department of Energy has made three deliveries of materials over the past two weeks, and I have no doubt that the Department of Energy will continue to comply with these document requests and act in good faith. Moreover, I understand that Secretary Richardson has met recently with Senator SPECTER and with Chairman HATCH to discuss the facts of the case. Far from dodging congressional oversight, the Secretary has made himself available for such meetings in the midst of recent crises over the price of oil.

The sponsors of the subpoena resolution advanced three reasons to justify its issuance. They claimed that the Judiciary Subcommittee on Administrative Oversight and the Courts needs to hear immediately from Secretary Richardson so that he may (1) respond to allegations that the Department of Energy was to blame for the delay between April 1999, when Dr. Lee's residence was searched and evidence of his downloading was seized, and December 1999, when he was indicted; (2) explain why his signature was purportedly on the order to put Dr. Lee in leg irons; and (3) respond to allegations made by DOE's former intelligence chief Notra Trulock at an earlier Congressional hearing that he had been told by New York Times reporter James Risen that Secretary Richardson had leaked Dr. Lee's name. Based on the record, as I understand it, these three claims are unsupportable. First, between April and December 1999, numerous agencies participated in sorting out a hugely complex case, analyzing a million computer files, interviewing a thousand people, and assessing the sensitive question of how to prosecute Dr. Lee in a public courtroom without publicly disclosing the nuclear secrets that he downloaded.

As to the second claim, Secretary Richardson wrote to the Attorney General certifying, as required by a federal regulation, that national security would be threatened if Dr. Lee communicated classified information to a confederate, and requesting that she direct prison authorities to implement whatever measures might be appropriate to prevent such communication while Dr. Lee was in custody. Secretary Richardson did not order leg irons. To the contrary, Secretary Richardson noted his understanding that ''the conditions of [Dr. Lee's] confinement are in no respect more restrictive than those of others in the segregation unit of the detention facility,'' and he emphasized his concern that Dr. Lee's civil rights be scrupulously honored.

As to the third claim, my understanding is that, immediately after the hearing at which Mr. Trulock testified, Mr. Risen walked up to Mr. Trulock and said that he had never told Mr. Trulock any such thing about Secretary Richardson. In addition, Secretary Richardson has already categorically denied the allegation.

These reasons are hardly a basis for taking the extraordinary step of authorizing the issuance of a subpoena for a member of the President's cabinet.

At the Judiciary Committee's meeting on October 19, 2000, it was suggested that Chairman HATCH might have the authority to issue a subpoena for Secretary Richardson pursuant to a resolution which the Republicans on the Committee approved in November 1999. The Democrats opposed that resolution in part because a subpoena might interfere with the ongoing investigation of Dr. Lee. Over the Democrats' objection, that partisan resolution was rushed through the Judiciary Committee by the majority precipitously and was never executed. Indeed, just a few weeks later, Director Freeh made his urgent request that the Committee suspend its inquiry into the Lee matter during the pendency of the criminal case.

As it related to the Department of Energy, the partisan resolution authorized issuance of a subpoena to Secretary Richardson for documents, not his personal appearance. As for the documents, the resolution authorized issuance of a subpoena for all documents related to DOE's investigation of Dr. Lee and identified just two particular documents that were sought. That resolution did not identify the thirteen categories of documents for which authorization was sought in the last meetings of the Judiciary Committee.

Since the Judiciary Subcommittee on Administrative Oversight and the Courts began its oversight of the Justice Department, no fewer than nine subpoenas have been authorized for cabinet secretaries, not including a subpoena for Secretary of State Madeleine Albright in connection with Elian Gonzalez which was authorized and later rescinded.

If the American people want to test the credibility of Governor Bush's claim about the kinder and gentler America that he claims only a Republican-led government can bring to our nation, they should examine the record of the oversight efforts by Republican-led Judiciary Committee and its Subcommittee on Administrative Oversight and the Courts.

ADDITIONAL STATEMENTS

CELEBRATING THE PUBLICATION OF EARLY ART AND ARTISTS IN WEST VIRGINIA

● Mr. ROCKEFELLER. Mr. President, I rise today to address a subject very close to my heart. Not long after my wife, Sharon, and I settled in West Virginia, my father presented me with a wonderful painting of the Kanawha River by Frederic Edwin Church, one of America's greatest nineteenth-century landscape painters. Thoroughly delighted with the painting, I became curious to know more about West Virginia's art history. What I discovered was a rich and varied tradition of artists, musicians and authors. Indeed, we in West Virginia have much to be proud of in the fields of fine art, music and literature, as well as theater, dance and architecture.

However, there has persisted a distinct lack of documentation of West Virginia's artistic tradition. That is, until now, with the publication of the groundbreaking book, Early Art and Artists in West Virginia. Compiled and narrated by Dr. John A. Cuthbert, in cooperation with West Virginia University Press, this book is the first of its kind. This wonderful compendium finally establishes a foundation upon which we can begin to explore the history of art in West Virginia, and examine the important contributions the state has made to the world of fine art.

Dr. Cuthbert offers us a richly illustrated explanation of the development of portrait and landscape painting, as well as lesser genres in the state. He has also compiled a directory of nearly one thousand artists who are a part of this special history, providing both teachers and scholars with an invaluable tool for further study. From the many visiting and native artists who worked in the panhandles in the early nineteenth century, to the members of the Hudson River School who delighted in the state's virgin forests several decades later, all are present in this remarkable volume.

The lovely portrait of Sophie B. Colston that graces the book's cover is but a sample of the caliber of their work. Set in a landscape that every West Virginian will recognize, this